

89964JLT  
Customer No. 01333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Patrick Gerard, et al

APPARATUS AND METHOD FOR  
TREATING IMAGING MATERIALS

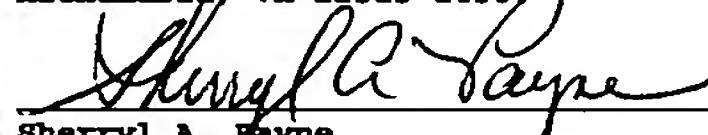
Serial No. 10/565,054

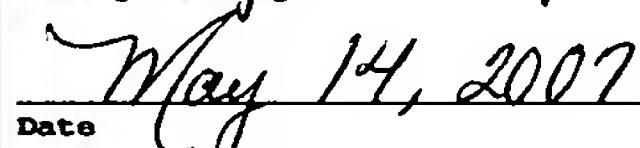
Filed January 17, 2006

Group Art Unit:

Examiner:

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Sherry A. Payne

  
May 14, 2007

Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

**PETITION FOR WITHDRAWAL OF ABANDONMENT FOR  
FAILURE TO RECEIVE AN OFFICE ACTION**

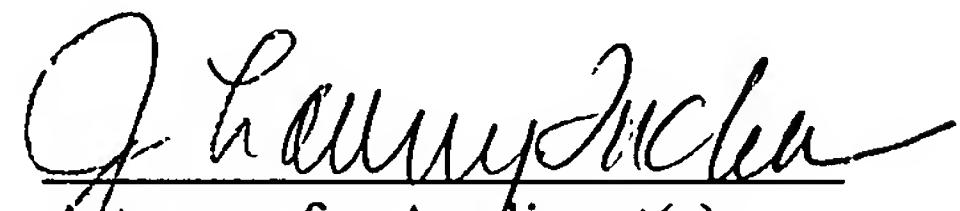
Petitioner hereby respectfully requests that the holding of abandonment of the above referenced application be withdrawn. The Official Action referred to by the Office, (Missing Requirement Letter, mailed 5/23/2006) was never received by the Petitioner and a search of the file jacket and docket records indicate that the Official Action was not received. Petitioner made several attempts to locate the application on the PAIRS database to ascertain the status of the filed application and could not find the data in either Public or Private Pairs. On February 16, 2007, Petitioner mailed a Status Inquiry regarding the application. On May 4, 2007, Petitioner located the application in PAIRS by searching the Docket number field. On that date it was discovered the case had been abandoned. From the Image File Wrapper in PAIRS, Petitioner printed Form 905 (371 Formalities Notice) which indicates a mail date by the Patent Office to Petitioner of May 23, 2006. The Petitioner's Customer Number does not appear on said Notice and said Notice was never received by Petitioner.

Pursuant to the practice adopted in 1156 OG 53, dated November 16, 1993, enclosed herewith are copies of the cover of the docket file as well as a summary from the Petitioner's automated docketing system, each indicating where the Official Action would have been entered had it been received.

In response to the Notification of Missing Requirements (copy attached), enclosed is the originally executed Declaration.

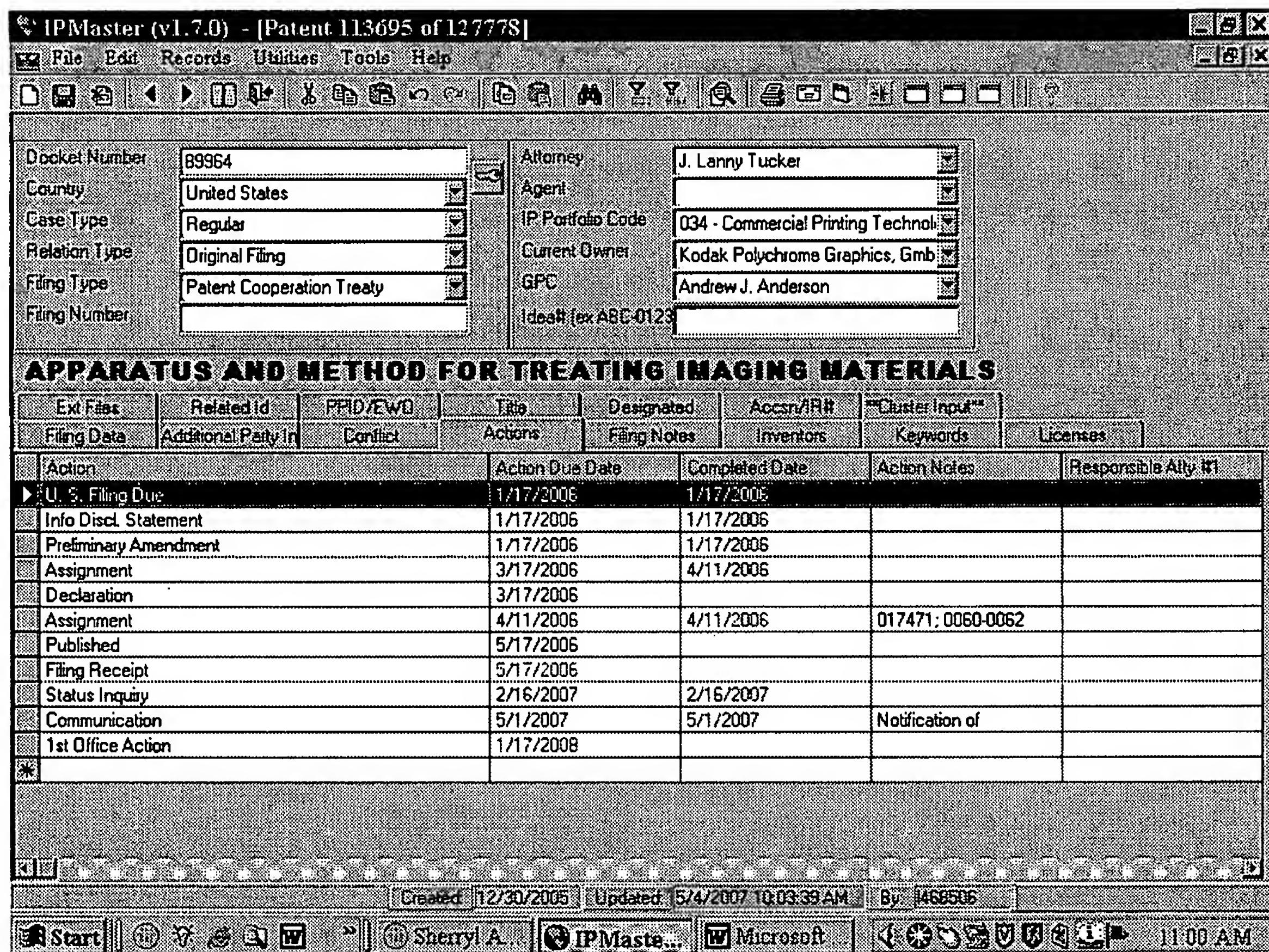
It is understood that no fee is required for the filing of this petition, the granting of which is hereby respectfully solicited.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant(s)  
Registration No. 27,678

J. Lanny Tucker/s-p  
Rochester, NY 14650  
Telephone: (585) 722-9332  
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.



Docket/Atty	89964JLT	Country	US	SN	10/565,054	Filed	1/17/2006
Agent Ref.		Priority Country	PCT	SN	PCT/EP03/07797	Filed	07-17-2003
Patent No.		Issue Date		FFR		ATF	
Inventor(s)	Patrick Gerard, Gilbert Machuel, Celin Savariar-Hauck						
Title	APPARATUS AND METHOD FOR TREATING IMAGING MATERIALS						
		Actions					
1	1/17/2006 - <i>Patent</i>		16				
2	1/17/2006 - <i>Rebrevet Ondemand</i>		17				
3	2/16/2007 - <i>States Change</i>		18				
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,054	Patrick Gerard	89964JLT

Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

CONFIRMATION NO. 7160

371 FORMALITIES LETTER



\*OC000000018898521\*

Date Mailed: 05/23/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/17/2006
- Copy of the International Search Report filed on 01/17/2006
- Preliminary Amendments filed on 01/17/2006
- Information Disclosure Statements filed on 01/17/2006
- Oath or Declaration filed on 01/17/2006
- U.S. Basic National Fees filed on 01/17/2006
- Specification filed on 01/17/2006
- Claims filed on 01/17/2006
- Abstracts filed on 01/17/2006
- Drawings filed on 01/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice MUST be returned with the response.*

**PATRICIA A BOOKER**

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Telephone: (703) 308-9140 EXT 204

**PART 2 - OFFICE COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,054	PCT/EP03/07797	89964JLT

FORM PCT/DO/EO/905 (371 Formalities Notice)